



Housing Policy and Practices Advisory Group Public Participation Subcommittee Notes

February 4 Meeting Notes

Participating Members: Betsy Strauss, Stephanie Haffner, Linda Tang, Kiana Valentine, Craig Castellanet, Jerry Olivera (for Colby Cataldi), Ilene Jacobs,

Staff: Greg Nickless

Purpose

Three stages of public participation were discussed:

- Development of the draft housing element
- Revisions to the draft element for submission to HCD
- Revisions to the draft and / or adopted element during / after HCD review

Proposals should be rooted in statute and limited to what is “diligent effort”

Proposal needs to address what jurisdictions do after HCD review

Issue Areas Discussed:

- Lack of response from jurisdictions regarding 3rd party comments – little or no feedback is provided for 3rd party comments
- Comments received from third-party commenters are not incorporated into the element.
- Improvements to access of the draft element are needed, including location of workshops, scheduled meeting times, involvement of all economic segments (or their representatives) and language barriers
- Overall improvements are needed in the incorporation of comments from the community, government staff and stakeholders, including community housing organizations
- Provision of adequate time between the various stages of the draft housing element preparation, review, revisions, review and adoption
- Potential lack of uniform process – workshop, draft element preparation, review, planning commission, city council/board of supervisors, HCD, review of revisions, adoption of element

March 4th Meeting Notes

Participating Members: Betsy Strauss, Linda Tang, Kiana Valentine, Craig Castellonet, Colby Cataldi, Ilene Jacobs,

Staff: Greg Nickless

Summary: Proposal was discussed through emails between Feb 4 and March 4. Unresolved items covering review timing and other points were discussed during the March 4th meeting. Further emails were exchanged subsequent to the meeting relating to what constitutes a “meaningful public review”.

Discussion:

- One member proposed to include language to allow the public to have sufficient time to allow for meaningful review, comment and revision of the draft housing element prior to being submitted to HCD for review. The phrase “meaningful review” could not be accepted by the full group as it was deemed too open for interpretation.
- A proposal to require a public review period for any amendments that a jurisdiction might request during the HCD housing element review. There was an objection to this item due to the potential of substantially extending the element review period. In addition, it was stated that Item No. 1 of the Draft Program dealt with this issue under the subject of “Diligent Effort”. Item No. 1 states that a “diligent effort” would allow for public participation at each of the three stages of the development of the housing element (development of the draft, revisions to the draft prior to submittal to HCD, and revisions to the draft after review by HCD prior to final adoption of the housing element).
- The group agreed that there should be a required 45-day review period for public review prior to the draft housing element being submitted to HCD for review. It was asked if a 45-day review period should pertain to housing element revisions, but some members of the group stated that this issue would need to be taken back to their “members” for further discussion.
- The group agreed that HCD should forward third-party comments to local governments and direct third-party commenters to communicate directly with local governments.

Attachment 1

Proposals

This document contains three parts:

- A description of activities constituting “*diligent effort*” to achieve public participation of all economic segments of the community in the development of the housing element;
- Suggested *legislative changes* to the housing element law;
- Suggested *action to be taken by HCD* to support achieving public participation of all economic segments of the community

Diligent Effort: The housing element must “*include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.*”¹

1. Make a “diligent effort” to achieve public participation at each of the three stages of the development of the housing element:

- Development of the draft
- Revisions to the draft element prior to submission to HCD
- Revisions to the draft after review by HCD prior to final adoption of housing element

2. Seek input to the housing element early in the development, implementation and oversight stages including housing needs and conditions information from a wide variety of housing consumers and service providers.

3. Invite groups who represent “all economic segments of the community” including, but not limited to:

- Non-profit builders
- Church groups
- Community housing organizations
- Social service providers
- Language groups
- Chamber of Commerce
- Tenants in units at-risk of conversion to market-rate housing
- Business groups concerned about housing for employees
- Youths
- Mental health service providers

¹ Gov’t Code § 65583(c)(8)

4. Inform community (create interest list) of upcoming community workshops and study sessions/public hearings. Schedule community workshops at times/days / locations to maximize public input (e.g. evenings, weekends)
5. Choose locations for meetings where groups listed in #3 hold meetings
6. Provide language access at meetings
7. Afford sufficient time to allow for meaningful review, comment, and revision of the draft housing element, after release for public review and before submittal to HCD.²
8. Share local government's response to public input in to draft housing element
9. During HCD review of a draft housing element, a local government may make changes to the draft. Sometimes these changes are made in response to comments or questions from HCD. Other times, the local government initiates these changes. If the local government's initiated changes significantly modify the original draft, best practice is to provide the public review with an opportunity for meaningful review, comment, and revision of the initiated changes.
10. Review, and incorporate as appropriate, procedures and practices from jurisdictions highlighted on HCD website.

Legislative change: At least 90 days prior to adoption of its housing element, or at least 60 days prior to the adoption of an amendment to its housing element, a local government is required to submit the draft to HCD.³ *The subcommittee suggests an amendment that requires the local government to provide a 30-day period for public review of the draft before submittal to HCD.*

HCD practice: Suggest that HCD forward all third-party comments submitted to HCD to the city or county and forward all subsequent communications concerning housing element sufficiency and revisions to the city or county's housing element to the third party commenters and the city and county.

² Please see proposed amendment to Government Code 65585.

³ Gov't Code § 65585(b).